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03 Sexual offences

Australian and New Zealand Standard Offence Classification (ANZSOC)

Reference period: 2023

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Description

Sexual offences are acts, or intent of acts, of a sexual nature against another person which are non-consensual or where consent cannot be given.

Subdivision

031 Sexual assault of an adult

Description

Sexual assault involves physical contact of a sexual nature directed toward another person where that person does not give consent, gives consent as a result of intimidation or deception, or where consent cannot legally be given.

This subdivision is for sexual offences against adults, or where it is unknown if the victim was a child or adult. Within this context, definitions of "child" and "adult" are as per the legislation in the jurisdiction where the offence occurred. Definitions may vary between jurisdictions.

Offences where it is unknown whether the victim was a child or adult should be coded to this subdivision. Where the age of the victim is unknown but below the age of consent, the offence should be coded to a group in subdivision 032 Sexual assault of a child.

0311 Unlawful sexual penetration of an adult

This group includes offences involving unwanted, unlawful, or attempted, sexual penetration of the vagina, anus, or mouth. It may or may not involve the use of explicit threat or force.

Inclusions:

- Assault with intent to rape
- Attempt to commit rape, including "grab and drag" offences
- Drug or poison with intent to rape
- Forced oral sex
- Procure sex through use of deception
- Rape, including oral or digital penetration
- Removal of a condom without consent ("stealthing" offences)
- $\bullet\,$ Unlawful sexual penetration where it is unknown whether the victim was a child or adult
- Other unlawful sexual penetration of an adult

Exclusions:

- Non-penetrative sexual assault coded to 0312 Unlawful sexual contact of an adult
- Rape of a child, including where the age of the child is unknown coded to 0321 Unlawful sexual penetration of a child

0312 Unlawful sexual contact of an adult

This group is for all non-penetrative sexual assault offences against an adult victim. It includes sexual contact through clothing but excludes non-contact offences.

This group excludes child victims, but includes where it was unknown if the victim was a child or adult.

Inclusions:

- Groping or other unwanted sexual contact in public places
- Incitement of sexual assault of an adult
- Indecent assault of an adult
- Sexual touching or non-penetrative sexual assault of an adult

- Threat of rape where there is belief that it will be carried out
- Wilful exposure combined with any physical contact including ejaculating on the victim
- Unlawful sexual contact where it is unknown whether the victim was a child or adult
- · Other unlawful sexual contact

Exclusions:

- Non-contact sexual offences against adults coded to the relevant groups in 039 Other sexual offences
- Sexual touching of a child coded to 0322 Unlawful sexual contact of a child

Subdivision

032 Sexual assault of a child

Description

Sexual assault of a child includes any sexual penetration, touching, or other sexual contact. It excludes grooming, child procurement, and child abuse material offences

This subdivision includes where the age of the victim is unknown, but known to be a child or below the age of consent.

0321 Unlawful sexual penetration of a child

This group includes sexual penetration of a child's vagina, anus, or mouth.

For this classification, the definition of a child is as per the legislation in the jurisdiction where the offence occurred.

Inclusions:

- Attempted unlawful sexual penetration of a child
- Rape of a child, including oral or digital penetration
- Receive sexual services from a person under the legal age
- Sexual penetration of an adult offender by a child victim
- Other unlawful sexual penetration of a child

Exclusions:

- Rape of an adult with a cognitive impairment coded to 0311 Unlawful sexual penetration of an adult
- Rape where it is unknown whether the victim was a child or adult coded to 0311 Unlawful sexual penetration of an adult
- Sexual contact of a child that does not meet the definition of rape coded to 0322 Unlawful sexual contact of a child

0322 Unlawful sexual contact of a child

Sexual contact of a child includes any acts involving sexual contact of a child that does not involve penetration.

For this classification, the definition of a child is as per the legislation in the jurisdiction where the offence occurred.

Inclusions:

- Groping of a child
- Indecent assault of a child
- Sexual touching of a child that does not involve penetration
- Other unlawful sexual contact of a child

Exclusions

- Child abuse material offences coded to the relevant groups within 034 Child abuse material offences
- Child grooming coded to 0330 Child procurement or grooming
- Sexual contact of an adult with a cognitive impairment coded to 0312 Unlawful sexual contact of an adult
- Sexual penetration of or by a child coded to 0321 Unlawful sexual penetration of a child

Subdivision

033 Child procurement or grooming

0330 Child procurement or grooming

Child procurement or grooming includes procuring, persuading, pressuring, or preparing a child for sexual activity, such as sexual acts and/or the production of child abuse material.

Inclusions:

- Cultivate a relationship with a child for the purposes of grooming or procurement
- Deceive a child for the purposes of grooming or procurement
- Expose a child to sexual materials for the purposes of grooming
- Grooming of a parent or guardian for the purpose of committing sexual assault of a child
- Organise or promote child sex tours
- Send sexually explicit messages to a child in any format
- Other child procurement or grooming offences

Exclusions:

- Groom an adult with a cognitive impairment, or their carer coded to 0399 Sexual offences, nec
- Produce child abuse material coded to 0341 Produce or distribute child abuse material
- Sexual touching of a child coded to 0322 Unlawful sexual contact of a child

Subdivision

034 Child abuse material offences

Description

This subdivision includes the production, possession, distribution, or display of child abuse material in written, photographic, film, video, digital, or another format.

0341 Produce or distribute child abuse material

Offences in this group include the creation, production, import, export, supply, purchase, dealing, distribution, or control of child abuse material by any means and in any form. Production may include writing, photographing, filming, directing, compiling, editing, or other acts that contribute to the production of child abuse material in any form.

Offences relating to aiding or facilitating the production or distribution of child abuse material are also included in this group.

Inclusions:

- Conspiracy to produce or distribute child abuse material
- Facilitate, produce, create, or distribute (including by post or online) child abuse material
- Induce a child to send or stream sexual material in any format
- Solicit child abuse material
- Transmit, make available, publish, advertise, or promote child abuse material
- Use a child for production of child abuse material or abusive performance
- Other offences relating to the production or distribution of child abuse material

Exclusions:

- Non-consensual creation or distribution of sexual material of an adult coded to 0350 Intimate image offences
- Procure or groom a child for abuse coded to 0330 Child procurement or grooming
- Unlawful sexual contact or penetration of a child coded to the relevant groups in 032 Sexual assault of a child

0342 Possess or access child abuse material

Offences in this group include the possession or accessing of child abuse material in written, photographic, film, video, digital or any other format.

Inclusions:

- Possess, access, or intentionally view child abuse material
- Possess, purchase, or import a child-like sex doll
- Other offences relating to the possession or accessing of child abuse material

Exclusions

• Induce a child to send or stream sexual material in any format - coded to 0341 Produce or distribute child abuse material

Subdivision

035 Intimate image offences

0350 Intimate image offences

Intimate image offences include any offence involving the creation and/or distribution of an intimate image, video, or other media without consent. This does not include child abuse material offences.

Inclusions:

- Create or distribute intimate images that may not be considered sexual, for example depicting a person without an item of religious or cultural significance
- · Create or distribute sexual material of an adult, including filming or photographing intimate images or sexual acts, without consent
- Deceive an adult for the purposes of procuring intimate images
- Edit pornography to include a person's image, including "deepfake pornography"
- Non-consensual distribution of intimate images, whether or not the image was taken with consent
- Unlawfully capture an intimate image in a public place, whether or not the victim was fully clothed
- Other intimate image offences against adults, or where the victim was above the age of sexual consent as defined in the jurisdiction and context where the offence occurred

Exclusions:

- Create or distribute child abuse material coded to 0341 Produce or distribute child abuse material
- Create or distribute pornography that is unlawful due to prohibited content, excluding child abuse material coded to 0399 Sexual offences, nec
- Distribute sexual misinformation about a person verbally or through written word only coded to 0892 Defamation
- Sexual extortion of an adult coded to 0520 Blackmail or other extortion

Subdivision

039 Other sexual offences

Description

This subdivision includes sexual offences not elsewhere classified.

0391 Offensive sexual acts

This group includes sexual acts that are considered offensive or contravene social standards for behaviour.

Inclusions:

- Flashing or indecent exposure
- Sexual acts not committed against a person
- Sexual contact or activity with a human corpse
- Sexual contact or activity with an animal
- Wilful exposure or masturbation in public or in view of others that does not amount to sexual assault or abuse

Exclusions:

- Capture intimate photos or video without consent coded to 0350 Intimate image offences
- Exposing buttocks or genitals with comic intent or as a stunt, such as "mooning" or "streaking" coded to 1223 Offensive behaviour
- Intentional performance of a sexual act in front of a child coded to 0330 Child procurement or grooming
- Nudity of a non-sexual nature such as public urination coded to 1223 Offensive behaviour
- Threat of rape of an adult where there is belief that it may be carried out coded to 0311 Unlawful sexual penetration of an adult
- Voyeurism or peeping offences coded to 0399 Sexual offences, nec
- Wilful exposure combined with any physical contact coded to 0312 Unlawful sexual contact of an adult

0399 Sexual offences, nec

This group includes other sexual offences that are not elsewhere classified. The victim may be a child or an adult, or there may be no specific victim.

Inclusions:

- Behave in an indecent sexual manner while providing services to a vulnerable person, excluding offences elsewhere classified
- Create or distribute pornography that is unlawful due to prohibited content (such as depicting extreme violence or bestiality), excluding child abuse material
- Force a person to watch a sexual act, without the intent of grooming or procurement, or where intent is unknown
- Groom an adult with a cognitive impairment, or their carer, for sexual purposes
- Own or manage a brothel where a child is working
- Peeping or voyeurism offences
- Sexual censorship offences
- Unlawfully allow a child into a brothel or escort agency
- Other sexual offences not elsewhere classified

Exclusions:

- Child abuse material offences coded to the relevant groups within 034 Child abuse material offences
- Grooming a child for sexual abuse coded to 0330 Child procurement or grooming
- Human trafficking, slavery, or slavery-like practices (including deceptive recruiting) for sexual exploitation or intended sexual exploitation coded to 0410 Human trafficking or slavery
- Offences relating to intimate images of adults coded to 0350 Intimate image offences
- Ownership or management of an unlicenced or unregistered brothel coded to 1713 Unlawful purchase or sale of sexual services
- Sexual offences involving physical contact or immediate threat of sexual assault or abuse coded to the relevant groups within 031 Sexual assault of an adult or 032 Sexual assault of a child
- Unlawful nudity that is not a sexual offence, such as public urination or "streaking" coded to 1223 Offensive behaviour
- Unlawful soliciting of sex work coded to 1713 Unlawful purchase or sale of sexual services